

EXHIBIT 6

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 Case No.
8 1:17-MD-2804
9
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12

13 WEDNESDAY, APRIL 24, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Anna
18 Lembke, M.D., held at the offices of Lief
19 Cabraser Heimann & Bernstein, LLP, 275
20 Battery Street, 29th floor, San Francisco,
21 California, commencing at 8:07 a.m., on the
22 above date, before Carrie A. Campbell,
23 Registered Diplomate Reporter and Certified
24 Realtime Reporter.

25 - - -

26 GOLKOW LITIGATION SERVICES
27 877.370.3377 ph | 917.591.5672 fax
28 deps@golkow.com

1 having been more skeptical about the
2 use of opioids, but in general, I
3 believe that doctors were primarily
4 duped by the defendants into
5 prescribing opioids for chronic pain
6 and minor pain conditions.

7 QUESTIONS BY MR. TSAI:

8 Q. And can you point to me
9 anywhere where you have quantified the degree
10 or extent of, as you say, the responsibility
11 of prescribers in Cuyahoga and Summit
12 Counties due to their lack of diligence or
13 negligence?

14 MR. ARBITBLIT: Object to form.

15 THE WITNESS: It's not a lack
16 of diligence or negligence. It's a
17 matter of a paradigm shift in the way
18 that doctors were pressured into
19 treating pain with opioids, and I have
20 quantified that in an article that we
21 published in The Journal of the
22 American Medical Association, showing
23 that the increase in opioid
24 prescribing based on the Medicare
25 Part D database -- which is a database

1 that covers the entire United States,
2 showing that increased prescribing has
3 not been driven primarily by a small
4 subset of prolific prescribers, but by
5 a paradigm shift in prescribing
6 opioids across all different types of
7 prescribers such that we were all
8 prescribing more opioids as a result
9 of misrepresentation of the evidence
10 by the defendants.

11 QUESTIONS BY MR. TSAI:

12 Q. And what was the quantification
13 of the degree of responsibility for
14 physicians in your analysis?

15 MR. ARBITBLIT: Object to form.

16 THE WITNESS: I feel like I've
17 answered that question.

18 QUESTIONS BY MR. TSAI:

19 Q. Well, if there's an amount or a
20 number, would that be in the article?

21 MR. ARBITBLIT: Object to form.

22 QUESTIONS BY MR. TSAI:

23 Q. Or was it a qualitative
24 analysis?

25 A. It was a quantitative analysis.

1 The article uses the
2 quantitative analysis of the Medicare Part D
3 database to demonstrate that pill mill
4 doctors, doctors who, as you suggested, are
5 committing crimes are not the major factor.
6 Those doctors exist.

7 Their behavior is
8 reprehensible, but the vast majority of
9 opioids prescribed in this country are
10 prescribed not by such ethically compromised
11 doctors, but by well-intentioned doctors who
12 have been prescribing according to the
13 misrepresentation of the evidence made
14 available to them by the actions of the
15 defendants.

16 (Lembke Exhibit 11 marked for
17 identification.)

18 BY MR. TSAI:

19 Q. So I'll introduce exhibit next
20 in order. So this is a --

21 A. I don't have it yet. Just grab
22 it?

23 Q. I'll describe it to you while
24 the court reporter is marking it.

25 I'll represent to you that this

1 is a press release from the US Department of
2 Justice. It's dated August 22, 2018.

3 Were you aware of that press
4 conference that happened right in Cleveland,
5 Ohio?

6 A. I might have read about it if
7 it was in the public domain. I don't
8 specifically recall.

9 Q. Okay. So if you could turn to
10 page -- starting on page 3 of this exhibit,
11 press release, and I would just like to focus
12 you in on this issue. It is the third
13 paragraph from the bottom, and I'll just read
14 it.

15 "My third announcement arises
16 from Operation Darkness Falls, a joint
17 operation against dark net fentanyl
18 traffickers by the FBI, the IRS, our Postal
19 Inspectors and Homeland Security
20 investigators, again right here in northern
21 Ohio.

22 "Today I'm announcing that this
23 office has charged a husband and wife who, at
24 the time of their arrest, were the most
25 prolific dark fentanyl vendor in the United